

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARY FUNSTON,

Plaintiff,

v.

SNOHOMISH COUNTY PUBLIC UTILITY  
DISTRICT NO. 1, Washington public utility,  
RONALD BOONE MILL, including his martial  
community with Spouse Doe, and DOES 1-10,

Defendants.

CASE NO. 2:21-cv-01555-MJP

**STIPULATION AND ORDER TO  
REMAND**

**NOTE ON MOTION CALENDAR:  
Tuesday, November 30, 2021**

**STIPULATION**

1. On or about October 18, 2021, plaintiff Mary Funston ("Plaintiff") filed a Complaint in the Superior Court of the State of Washington in and for King County against defendants Public Utility District No. 1 of Snohomish County (the "District") and Ronald Boone Mill ("Mill"). *See* Dkt.#1 at Exhibit 1.

2. On or about November 17, 2021, the District removed this action to the Western District of Washington pursuant to 28 U.S.C. §§ 1331 and 1367. *See* Dkt.#1. Specifically, the District asserted as follows in its Notice of Removal:

Among other causes of action, Plaintiff also specifically alleges a purported cause of action for "RETALIATION" based expressly on "[r]equesting leave pursuant to

the FMLA.” See Third Complaint at ¶6.3. Accordingly, this Court has original jurisdiction over the federal question alleged in this lawsuit pursuant to 28 U.S.C. § 1331, and this lawsuit is subject to removal pursuant to 28 U.S.C. §§ 1441 and 29 U.S.C. § 2601 et seq.

Dkt.#1 at ¶14.

3. The District also asserted the following in its Notice of Removal:

Plaintiff also alleges a purported cause of action for “DISPARATE TREATMENT DISCRIMINATION” based on the same underlying allegations concerning alleged “leave” purportedly under the FMLA....Plaintiff also alleges a purported cause of action for “DISPARATE TREATMENT DISCRIMINATION” based on “her leave requests.”...Plaintiff also alleges a purported cause of action for “PROMISSORY ESTOPPEL” based on the same underlying allegations concerning alleged “leave” purportedly under the FMLA.

Dkt.#1 at ¶¶26-28.

4. The District and Mill (collectively, “Defendants”) and Plaintiff have met and conferred in good faith regarding the District’s removal, the allegations in Plaintiff’s Complaint, and remand.

5. Rather than engage in motion practice concerning remand, Plaintiff has agreed to amend her Complaint to confirm that she is not basing any of her claims on the Family and Medical Leave Act (“FMLA”), alleging any violation of the FMLA, or otherwise requesting relief under the FMLA.

6. Based on Plaintiff’s agreement to amend her Complaint, Defendants have agreed to stipulate to remand.

7. Pursuant to the parties’ stipulation, the parties specifically agree as follows:

(a) This action should be remanded.

(b) Following remand, Plaintiff will amend her Complaint to delete the phrase “the FMLA and” from paragraph 6.3 of her “SECOND CAUSE OF ACTION” for “RETALIATION.” Plaintiff also confirms and agrees that none of the other causes of action in her amended complaint will be based on the FMLA, allege any violation of the FMLA, or otherwise request relief under the FMLA.

8. Accordingly, the parties respectfully request that the Court remand this action back

1 to state court.

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3 **SO STIPULATED** this November 30, 2021.

4  
5 By: /s/ Christopher M. Huck  
6 Christopher M. Huck  
(WSBA No. 34104)  
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Attorneys for Plaintiff

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15 **ORDER**

16 Pursuant to the above Stipulation, **IT IS SO ORDERED.**

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19 DATED this December 1, 2021.

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22 Marsha J. Pechman  
23 United States Senior District Judge  
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1 **Presented by:**

2  
3 By: /s/ Christopher M. Huck  
Christopher M. Huck  
(WSBA No. 34104)

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Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system on November 30, 2021 and was served via the Court's CM/ECF system on all counsel of record.

DATED this November 30, 2021 at Seattle, Washington.

/s/ Christopher M. Huck

Christopher M. Huck, WSBA No. 34104